

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

In re Terrorist Attacks on September 11, 2001

**03 MDL 1570 (GBD)  
ECF Case**

-----X

This document applies to:

*Cantor Fitzgerald Associates, L.P. v. Akida Investment Co., Ltd., 1:04-cv-07065-GBD,*

**MEMORANDUM OF LAW IN SUPPORT OF THE MOTION TO PERMIT  
DICKSTEIN SHAPIRO LLP AND HOWARD N. FELDMAN TO WITHDRAW AS  
CO-COUNSEL OF RECORD FOR CANTOR FITZGERALD PLAINTIFFS**

BLANK ROME LLP

Howard N. Feldman  
1825 Eye Street, N.W.  
Washington, D.C. 20006  
Telephone: (202) 420-2200  
Facsimile: (202) 420-2201  
[HFeldman@BlankRome.com](mailto:HFeldman@BlankRome.com)

This memorandum of law is submitted in support of a motion for an order permitting Dickstein Shapiro LLP (“Dickstein”) and Howard N. Feldman to withdraw as co-counsel of record for Cantor Fitzgerald & Co., Cantor Fitzgerald Associates, L.P., Cantor Fitzgerald Brokerage, L.P. (now known as BGC Environmental Brokerage Services, L.P.), Cantor Fitzgerald Europe, Cantor Fitzgerald International (now known as BGC International), Cantor Fitzgerald Partners (now known as Seminole Financial), Cantor Fitzgerald Securities, Cantor Fitzgerald, L.P. (now known as BGC Capital Markets, L.P.), Cantor Index Limited, CO2e.com, LLC (now known as Cantor C02e, LLC), eSpeed Government Securities, Inc. (now known as eSpeed Brokerage, L.P.), eSpeed, Inc. (now known as BGC Partners, Inc.), eSpeed Securities, Inc. (now known as Aqua Securities, L.P.) and TradeSpark, L.P. (collectively the “Cantor Fitzgerald Plaintiffs”).

### **BACKGROUND/ARGUMENT**

An order permitting the withdrawal of counsel of record may be granted “upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal . . . .” S.D.N.Y. Local Civil Rule 1.4.

Dickstein and Mr. Feldman seek the Court’s permission to withdraw as co-counsel to the Cantor Fitzgerald Plaintiffs in this action. On February 8, 2016, the partnership of Dickstein voted to dissolve the partnership effective February 11, 2016. As a result, Dickstein has ceased engaging in the practice of law and is in dissolution and can no longer serve as counsel in this case and in the related pending appeal before the United States Court of Appeals for the Second Circuit (Docket No. 15-3524). Declaration of Howard N. Feldman In Support of the Motion To

Permit Dickstein Shapiro LLP To Withdraw as Counsel of Record for Plaintiffs, dated February \_\_\_, 2016 (the “Feldman Declaration”), ¶3.<sup>1</sup>

Dickstein and Mr. Feldman have served as co-counsel with Adams Holcomb LLP in this case and the appeal pending in the United States Court of Appeals for the Second Circuit, Case No. 15-3524. Feldman Declaration, ¶ 4.

This is one of many cases that have been consolidated as part of an multi-district litigation proceeding in which numerous plaintiffs suffered property damage and loss as a result of the September 11<sup>th</sup> attacks. Feldman Declaration, ¶ 4.

In these district court multi-district proceedings, plaintiffs are organized with an executive committee structure, so that briefs are filed by the committees on behalf of all plaintiffs. The Plaintiffs’ Executive Committee has run the discovery and managed the motions practice in this consolidated litigation. No one from Dickstein has served on the Plaintiffs’ Executive Committee. Feldman Declaration, ¶ 5.

Thus, in light the plethora of counsel in this litigation and at the Cantor Fitzgerald Plaintiffs’ direction, Dickstein and Mr. Feldman have played a modest role in this case. Feldman Declaration, ¶ 6.

In light of the circumstances concerning Dickstein as well as the fact that the firm and Mr. Feldman played a limited co-counsel role, the withdrawal of Dickstein and Mr. Feldman will have no material adverse effect on the interests of the Cantor Fitzgerald Plaintiffs. Moreover, Adams Holcomb LLP is willing and able to continue the representation of the Cantor Fitzgerald Plaintiffs without Dickstein and Mr. Feldman serving as their co-counsel. Feldman Declaration, ¶ 7.

---

<sup>1</sup> Mr. Feldman is now a partner with Blank Rome LLP, a firm that has not been engaged by the Cantor Fitzgerald Plaintiffs.

Finally, there are no upcoming deadlines in this case that cannot be effectively handled by Adams Holcomb LLP. No trial date has been set. Feldman Declaration, ¶8.

**CONCLUSION**

For the forgoing reasons, the motion for Dickstein and Mr. Feldman to withdraw as counsel of record for the Cantor Fitzgerald Plaintiffs should be granted.

Dated: Washington, D.C.  
February 23, 2016

Respectfully submitted,

BLANK ROME LLP

By: s/Howard N. Feldman  
Howard N. Feldman  
1825 Eye Street, N.W.  
Washington, D.C. 20006  
Telephone: (202) 420-2200  
Facsimile: (202) 420-2201  
HFeldman@BlankRome.com